

REMARKS

This responds to the non-final Office Action dated 31 August 2009. Claims 2, 4, 5, 18-20, 30-32, 37, 47, 48, 52, 56-58 and 60-62 are canceled without prejudice or disclaimer. Claims 1, 6-10, 17, 21-25, 33-36, 38, 42, 43, 49, 50, 53-55 and 59 are amended. The amendments are supported by at least original claim 6, FIGS. 5A-D, and the description at pages 6-7 of the present application. No new matter has been added.

Drawing Objection

The drawings stand objected to under 37 CFR 1.84(p)(5) because they lack reference numbers which had been added to the specification previously. FIGS. 5I and 5J will be amended to include reference nos. 551, 553, 555 and 557, and FIGS. 6A-6D will be amended to include reference nos. 607, 609, 611 upon allowance of claims.

Claim Rejections – 35 U.S.C. § 103

In the Action, claims 1-4 and 6-62 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,681,334 to Evans et al. in view of U.S. Patent No. 5,662,681 to Nash et al. and U.S. Patent No. 6,475,230 to Bonutti et al. Applicant respectfully traverses this rejection.

Independent claims 1, 21, 33, 38, 43, 50 and 55, as amended, recite either “a housing and at least first and second locking posts extending from the housing,” or “a housing and at least two locking posts extending from the housing.” Claims 1, 21, 33, 38, 43, 50 and 55, as amended, also recite that the “suture locking mechanism being rotatable between a non-locked position and a locked position” (claim 1), “the locking device being rotatable between a first orientation and a second orientation” (claim 21), “the suture locking assembly being rotatable between unlocked and locked positions” (claim 33), “the locking element being rotatable between a first orientation and a second orientation” (claim 38), “the locking element being rotatable between a first orientation and a second orientation” (claim 43), or “the inner housing assembly being rotatable between a first position and a second position” (claims 50 and 55).

Evans is directed to an apparatus 20 used to apply a collagen 22 to inhibit the flow of blood through a percutaneous puncture 10. The apparatus includes a suture 24A-C, a washer or disk 46, a housing 26, and a tamping member 28 for placement of the collagen 22 at the puncture 10. The collagen 22 is expelled from the housing 26 with the tamping member 28 at the puncture 10. The collagen 22 can be held in place at the puncture 10 with the disk 46, wherein the sutures 24A, 24B are frictionally held in a passageway 48 of the disk 46. Evans fails to disclose or suggest a rotatable suture locking mechanism that includes a housing and locking posts.

Nash discloses additional features of a closure device such as an anchor 32. However, Nash also fails to disclose or suggest a rotatable suture locking mechanism that includes a housing and locking posts.

Bonutti discloses with reference to FIG. 29 a suture retainer 622 that includes a conical body 624 that is positioned in a cylindrical sleeve or base 626. Bonutti, like Evans and Nash, fails to disclose or suggest a rotatable suture locking mechanism that includes a housing and locking posts.

In view of the above, Applicant submits that Evans, Nash and Bonutti, alone or in combination, fail to disclose or render obvious every limitation of claims 1, 21, 33, 38, 43, 50 and 55, and the claims that depend from them.

Conclusion

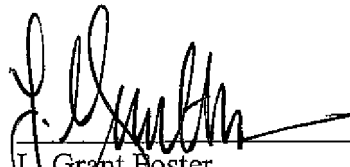
For at least the foregoing reasons, Applicant believes that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicant respectfully requests a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicant invites the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

Applicant expressly disclaims all arguments, representations, and/or amendments presented or contained in any other patent or patent application, including any patents or patent applications claimed for priority purposes by the present application or any patents or patent applications that claim priority to this patent application. Moreover, all arguments, representations, and/or amendments presented or contained in the present patent application are

only applicable to the present patent application and should not be considered when evaluating any other patent or patent application.

Respectfully submitted,

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